

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
112843-035

In Re Application Of: **Jann et al.**

#3

Serial No.  
09/979,533

Filing Date  
November 19, 2001

Examiner  
Unknown

Group Art Unit  
Unknown

Title:

**METHOD FOR INCREASING THE PRODUCTION OF PROPIONATE IN THE GASTROINTESTINAL TRACT**
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Transmittal Letter (duplicate); Executed Declaration; Copy of Notification of Missing Requirements; Check in the Amount of \$130.00; Return Receipt Postcard**

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


*Signature*

Dated: **February 22, 2002**
**Robert M. Barrett (30,142)**  
**ATTORNEYS FOR APPLICANTS**  
**Bell, Boyd & Lloyd LLC**  
**P.O. Box 1135**
**Chicago, Illinois 60690-1135**
**03/12/2002 HNGUYEN 00000124 09979533**
**01 FC:154**
**130.00 OP**

I certify that this document and fee is being deposited on **2/22/2002** with the U.S. Postal Service as first class mail under 39 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Signature of Person Mailing Correspondence*
**Robert J. Buccieri**
*Typed or Printed Name of Person Mailing Correspondence*

CC:

FORM PTO-1390 (Modified)  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

**112843-035**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR  
**09/979,533**

INTERNATIONAL APPLICATION NO.  
**PCT/EP00/04744**

INTERNATIONAL FILING DATE  
**19 May 2000**

PRIORITY DATE CLAIMED  
**20 May 1999**

TITLE OF INVENTION

**METHOD FOR INCREASING THE PRODUCTION OF PROPIONATE IN THE GASTROINTESTINAL TRACT**

APPLICANT(S) FOR DO/EO/US

**Jann et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 20 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☐ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

**Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office  
Return Receipt Postcard**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492(a)(1)) <b>09/979,533</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP00/04744</b>	ATTORNEY'S DOCKET NUMBER <b>112843-035</b>
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24. The following fees are submitted: <b>BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1040.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$890.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$740.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$710.00</b> <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b> <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>  <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="height: 100px;"></td></tr> </table>					
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%;"><b>\$0.00</b></td><td style="width:50%;"></td></tr> <tr><td><b>\$130.00</b></td><td></td></tr> </table>		<b>\$0.00</b>		<b>\$130.00</b>	
<b>\$0.00</b>									
<b>\$130.00</b>									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE						
Total claims	- 20 =	0	x \$18.00	<b>\$0.00</b>					
Independent claims	- 3 =	0	x \$84.00	<b>\$0.00</b>					
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$130.00</b>					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				<b>\$0.00</b>					
<b>SUBTOTAL =</b>				<b>\$130.00</b>					
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>\$0.00</b>					
<b>TOTAL NATIONAL FEE =</b>				<b>\$130.00</b>					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>					
<b>TOTAL FEES ENCLOSED =</b>				<b>\$130.00</b>					
				Amount to be: refunded	\$				
				charged	\$				

- a. ☒ A check in the amount of **\$130.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **02-1818** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett, Esq.  
 Bell, Boyd & Lloyd LLC  
 P.O. Box 1135  
 Chicago, Illinois 60690-1135  
 Tel: (312) 807-4204

SIGNATURE

**Robert M. Barrett**

NAME

**30,142**

REGISTRATION NUMBER

**February 22, 2002**

DATE



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/979,533	Jann	112843-035
INTERNATIONAL APPLICATION NO.		
PCT/EP00/04744		
I.A. FILING DATE	PRIORITY DATE	
05/19/2000	05/20/1999	

Robert M Barrett  
 Bell Boyd & Lloyd  
 PO Box 1135  
 Chicago, IL 60690-1135

CONFIRMATION NO. 5939

371 FORMALITIES LETTER



\*OC000000007229128\*

DUE: 2-26-02

Date Mailed: 12/26/2001

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

**RECEIVED**  
 BELL, BOYD & LLOYD  
 INTELLECTUAL PROPERTY DOCKET

JAN - 2 2002 Tk

ATTY: RMBDOCKET #: 112843-035

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 r 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/979,533	PCT/EP00/04744	112843-035